

Application No.: 10/815,149  
Amdt dated: January 27, 2011  
Reply to Office action of October 27, 2010

### **REMARKS/ARGUMENTS**

This paper is filed in response to the Office Action dated October 27, 2010. Claims 10-18 and 24-29 were considered by the Examiner. In this paper, Claim 10 has been amended, no claims have been canceled, and no new claims have been added. Accordingly, Claims 10-18 and 24-29 remain before the Examiner for further consideration. No new matter has been added with these amendments

#### **Summary of the Office Action.**

In the Office Action, Claims 10-18 and 24-29 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ortiz et al. (U.S. Patent No. 5,163,945) in view of Allen et al. (U.S. Patent No. 5,354,304), or Mastri et al. (U.S. Patent No. 6,032,849). For at least the reasons discussed below, Applicant respectfully traverses these rejections.

#### **The Applied Combination of Ortiz with Allen or Mastri Fails to Disclose or Suggest All of the Recitations of the Claimed Subject Matter.**

Claim 10 relates to a single clip jaw assembly adapted for use with a handle assembly having at least one handle and defining a central longitudinal axis, comprising, among other limitations, a pair of jaws, a pair of elongate support arms, a bridge, a housing disposed over at least the bridge, and a coupling included in the

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housing. The coupling is "adapted for *removably attaching* the housing to the handle assembly to an operative disposition *such that the housing is rotationally fixed with respect to the at least one handle of the handle assembly* about the central longitudinal axis." (Emphasis added).

As previously discussed, Ortiz describes a surgical device for applying a surgical clip consisting of a jaw assembly 18, a barrel assembly 20, and a handle assembly 22. (Ortiz, col. 4, lines 4-8). The jaw assembly is connected to a tubular barrel member 50 included in the barrel assembly 20 by a ferrule pin 52. (Ortiz, col. 5, lines 43-45, 49-53). The handle assembly 22 of the surgical device "extends proximally from the barrel assembly 20" and is rotatably connected thereto. (Ortiz, col. 6, lines 5-10). The handle assembly 22 is connected by a ball joint connection to a proximal end of a drive rod 58 included in the barrel assembly 20. (Ortiz, col. 6, lines 15-18). Thus, the Ortiz device fails to disclose or suggest a jaw assembly having a housing with a coupling that is adapted for "removably attaching" to a handle assembly "such that the housing is rotationally fixed with respect to the at least one handle of the handle assembly," as recited in Claim 10. Indeed, the Office Action indicates that Ortiz fails to disclose that the housing has a coupling as recited in Claim 10.

Each of Allen and Mastri likewise fails to disclose or suggest the deficiencies of Ortiz with respect to Claim 10. Allen relates to a modular ligation clip applier for use with a two-part surgical ligation clip. (Allen, col. 1, lines 6-15). The Allen clip applier includes a handle assembly 10 with a handle 16 and a squeezable trigger 18, an elongated neck portion 12 projecting from the handle assembly, and a ligation clip

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module 14 that can be mounted on the end of the neck portion. (Allen, col. 3, lines 37-49, Figure 1). In the Allen device, the neck portion includes a collar 36 with longitudinal ridges 38 that allow the neck portion to be coupled with the handle assembly via a "bayonet lock" connection and to be freely rotatable about its longitudinal axis while being secured to the handle assembly 10. (Allen, col. 3, line 59- col. 4, line 3; col. 4, lines 32-39). Thus, in the Allen device, the ligation clip module 14, when mounted on the neck portion 12, is "freely rotatable" with respect to the handle assembly 10 and the handle 16 and trigger 18 thereof. Accordingly, Allen fails to disclose or suggest a jaw assembly having a housing with a coupling that is adapted for "removably attaching" to a handle assembly "such that the housing is rotationally fixed with respect to the at least one handle of the handle assembly," as recited in Claim 10.

Mastri likewise fails to disclose or suggest the deficiencies of Ortiz with respect to Claim 10. Mastri relates to a surgical stapler that can be employed with a number of different disposable loading units. (Mastri, col. 2, lines 45-55). Mastri describes a surgical stapler having a handle assembly 12 with a stationary handle 24 and an actuation handle 26, an elongated body 14, and disposable loading units 30, 45, and 60. (Mastri, col. 9, lines 25-38, Figure 1). In the Mastri device, a proximal portion of the elongated body 14 of the stapler 10 has a collar 70 rotatable with respect to the handle assembly 12 to "cause corresponding rotation of body portion 14 to increase the range of operability of surgical stapler 10." (Mastri, col. 10, lines 19-24, Figures 1, 2). Thus, in the Mastri device, the disposable loading units 30, 45, 60, when mounted on the elongated body 14, are rotatable with respect to the handle assembly 12 and the

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handles 24, 26 thereof. Accordingly, Mastri fails to disclose or suggest a jaw assembly having a housing with a coupling that is adapted for "removably attaching" to a handle assembly "such that the housing is rotationally fixed with respect to the at least one handle of the handle assembly," as recited in Claim 10.

Accordingly, for at least the reasons discussed above, Claim 10 is distinguishable over the applied combination of references. Claims 11-18 and 24-29 depend from Claim 10 and recite additional novel and non-obvious limitations thereon. Accordingly, Claims 11-18 and 24-29 are likewise distinguishable over the applied combination of references for at least the reasons discussed above with respect to Claim 10.

## **Conclusion**

For at least the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowability is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

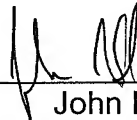
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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, John F. Heal, at (949) 713-8283 to resolve such issues promptly.

Sincerely

APPLIED MEDICAL RESOURCES

BY



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